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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,738

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EXAMINER

THANGAVELU, KANDASAMY

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,738	<b>Applicant(s)</b> NICKERSON ET AL.	
	<b>Examiner</b> Kandasamy Thangavelu	<b>Art Unit</b> 2123	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u><del>4/7/04</del> 4/6/04</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-21 of the application have been examined.

#### ***Information Disclosure Statement***

2. Acknowledgment is made of the information disclosure statements filed on April 4, 2004 together with a list of the patents and copies of papers. The patents and papers have been considered.

#### ***Drawings***

3. The drawings submitted on November 17, 2003 are accepted.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 4 recites the limitation " if the state indicator is invalid " in the claim. There is insufficient antecedent basis for "the state indicator" in the claim.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.1 Claims 14- 17 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Claims 14-17 are directed to an article of manufacture, comprising a computer-usable medium. The specification states that the computer usable medium comprises the computer readable medium and the carrier waves. The carrier waves are not statutory subject matter and cannot be patented under 35 USC 101.

7.2 Claims 18-21 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Claims 18-21 claim a computer data signal embodied on a carrier wave. The carrier wave is not a statutory subject matter and cannot be patented under 35 USC 101.

### ***Claim Rejections - 35 USC § 102***

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

9. Claims 1, 2, 7 and 14 are rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by **Tsuji et al.** (U.S. Patent Application 2003/0221068).

9.1 **Tsuji et al.** teaches method and system for data cache. Specifically, as per claim 1, **Tsuji et al.** teaches a method of managing browser sessions (Fig. 1; Fig. 3; Fig. 4A), comprising:

receiving a request for a web page from a client, the client having a browser session established at another server (Fig. 1, Item 122; Fig. 4A, Item 410; Page 1, Para 0027, L3-5; Page 6, Para 0099, Application server); and

providing a web page including a heartbeat page element that transmits heartbeat messages to the another server to maintain a state of the browser session at the another server (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Item 508).

Per Claim 2: **Tsuji et al.** teaches providing a monitor in the web page that detects whether another server is available from responses to the heartbeat messages (Page 2 and Page 3, Para 0043; Page 6, Para 0093 and 0094)

Per Claim 7: **Tsuji et al.** teaches that the heartbeat page element is a Frame element, an IFrame element, or a Layer element (Page 2, Para 0031)

9.2 As per claim 14, it is rejected based on the same reasoning as Claim 1, supra. Claim 14 is an article of manufacture, comprising a computer-usable medium claim reciting the same limitations as Claim 1, as taught throughout by **Tsuji et al.**

10. Claims 10 is rejected under 35 U.S.C. 102(a) and 102(e) as being anticipated by **Reisman** (U.S. Patent Application 2004/0031058).

10.1 As per claim 10, **Reisman** teaches a method of managing browser sessions (Page 6, Para 0050, L1-6; Para 0051, L1-7), comprising:

providing a web page including page content having a state identifier (Page 4, Para 0037, L5-7; Pages 6 and 7, Para 0053; Page 7, Para 0054, L1-10; Page 18, Para 0128, L1-4), and a monitor that detects server unavailability if the state identifier is unchanged for a predetermined time (Page 7, Para 0054, L5-7).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsuji et al.** (U.S. Patent Application 2003/0221068) in view of **Sommerer et al.** (U.S. Patent Application 2004/0205514), and further in view of **Grant et al.** (U.S. Patent Application 2003/0164855).

13.1 As per claim 3, **Tsuji et al.** teaches the method of claim 1. **Tsuji et al.** does not expressly teach that the web page further includes a page identifier. **Sommerer et al.** teaches that the web page further includes a page identifier (Page 5, Para 0061, L1-7; Page 6, Para 0062, 1-9). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **Tsuji et al.** with the method of **Sommerer et al.** that included the web page further including a page identifier, because that would allow revisiting the search results page or the resource page associated with the page identifier (Page 6, Para 0061, L1-3).

**Tsuji et al.** and **Sommerer et al.** do not expressly teach providing a monitor in the web page that detects user inactivity if the page identifier is unchanged for a predetermined time.

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**Grant et al.** teaches providing a monitor in the web page that detects user inactivity if the page identifier is unchanged for a predetermined time (Page 8, Para 0099). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **Tsuji et al.** and **Sommerer et al.** with the method of **Grant et al.** that included providing a monitor in the web page that detected user inactivity if the page identifier was unchanged for a predetermined time, because that would allow a message being sent to the central server indicating the lack of user activity in the system (Page 8, Para 0099, L2-6).

13.2 As per claim 12, **Tsuji et al.** teaches a system of managing browser sessions (Fig. 1; Fig. 3; Fig. 4A); comprising: a server communicating a web page to a client (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Item 508).

**Tsuji et al.** does not expressly teach the web page including a page identifier. **Sommerer et al.** teaches the web page including a page identifier (Page 5, Para 0061, L1-7; Page 6, Para 0062, 1-9).

**Tsuji et al.** and **Sommerer et al.** do not expressly teach providing a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time. **Grant et al.** teaches a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time (Page 8, Para 0099).

14. Claims 4, 5, 8, 11, 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsuji et al.** (U.S. Patent Application 2003/0221068) in view of **Reisman** (U.S. Patent Application 2004/0031058).



14.1 As per claim 4, **Tsuji et al.** teaches the method of claim 1. **Tsuji et al.** does not expressly teach that the web page further includes a state identifier, and the method further comprises providing a monitor in the web page that detects server unavailability if the state indicator is invalid for a predetermined time. **Reisman** teaches that the web page further includes a state identifier (Page 4, Para 0037, L5-7; Pages 6 and 7, Para 0053; Page 7, Para 0054, L1-10; Page 18, Para 0128, L1-4), and the method further comprises providing a monitor in the web page that detects server unavailability if the state indicator is invalid for a predetermined time (Page 7, Para 0054, L5-7). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **Tsuji et al.** with the method of **Reisman** that included the web page further including a state identifier, and the method further comprising providing a monitor in the web page that detected server unavailability if the state indicator was invalid for a predetermined time, because that would allow the current activity to be deactivated and then reactivated using the state identifier (Page 7, Para 0053, L3-4).

14.2 As per claim 5, **Tsuji et al.** teaches the method of claim 1. **Tsuji et al.** teaches accessing data being maintained at the another server by transmission of the heartbeat messages (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Item 508).

**Tsuji et al.** does not expressly teach accessing data from the state of the browser session being maintained at the another server by transmission of the heartbeat messages. **Reisman** teaches accessing data from the state of the browser session being maintained at the another

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server by transmission of the heartbeat messages (Page 7, Para 0054, L1-10; Page 18, Para 0128, L1-4).

14.3 As per claim 8, **Tsuji et al.** teaches a method of managing browser sessions (Fig. 1; Fig. 3; Fig. 4A), comprising:

establishing a browser session at a first server (Fig. 1, Item 122; Fig. 4A, Item 410; Page 1, Para 0027, L3-5; Page 6, Para 0099, Application server);

redirecting from the browser session at the first server to a web page at a second server (Fig. 4A, Items 408 and 410; Fig. 3, Items 314 and 316; Fig. 5, Items 506 and 508);

receiving the web page from the second server, the web page including a heartbeat page element (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Items 506 and 508); and

transmitting heartbeat messages from the heartbeat page element to the first server (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Item 508).

**Tsuji et al.** does not expressly teach generation of a session state at the first server; and maintaining a state of the browser session while continuing to communicate with the second server. **Reisman** teaches generation of a session state at the first server; and maintaining a state of the browser session while continuing to communicate with the second server (Page 4, Para 0037, L5-7; Pages 6 and 7, Para 0053; Page 7, Para 0054, L1-10; Page 18, Para 0128, L1-4).

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14.4 As per claim 11, **Tsuji et al.** teaches a method of managing browser sessions (Fig. 1; Fig. 3; Fig. 4A), comprising:

a first server and a second server providing individual processes of a common workflow (Fig. 4A, Items 408 and 410; Fig. 3, Items 314 and 316; Fig. 5, Items 506 and 508);

the first server establishing a browser session with a client (Fig. 1, Item 122; Fig. 4A, Item 410; Page 1, Para 0027, L3-5; Page 6, Para 0099, Application server);

the first server redirecting the client from the browser session at the first server to a web page at the second server (Fig. 4A, Items 408 and 410; Fig. 3, Items 314 and 316; Fig. 5, Items 506 and 508);

the second server receiving a request for a web page from the client (Fig. 1, Item 122; Fig. 4A, Item 410; Page 1, Para 0027, L3-5; Page 6, Para 0099, Application server);

the second server communicating the web page to the client, the web page including a heartbeat page element (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Items 506 and 508); and

the first server receiving heartbeat messages from the heartbeat page element, while the client communicates with the second server (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Items 506 and 508).

**Tsuji et al.** does not expressly teach generation of a session state at the first server; and maintenance of the session state at the first server. **Reisman** teaches generation of a session state at the first server; and maintenance of the session state at the first server (Page 4, Para 0037, L5-7; Pages 6 and 7, Para 0053; Page 7, Para 0054, L1-10; Page 18, Para 0128, L1-4).

14.5 As per claim 13, **Tsuji et al.** teaches system of managing browser sessions (Fig. 1; Fig. 3; Fig. 4A), comprising:

a server communicating a web page to a client (Fig. 1; Fig. 3; Fig. 3, Item 326; Fig. 4A, Item 402; Fig. 4B, Item 428; Fig. 5, Item 508).

**Tsuji et al.** does not expressly teach the web page including page content having a state identifier and a monitor that detects server unavailability if the state identifier is unchanged for a predetermined time. **Reisman** teaches the web page including page content having a state identifier (Page 4, Para 0037, L5-7; Pages 6 and 7, Para 0053; Page 7, Para 0054, L1-10; Page 18, Para 0128, L1-4), and a monitor that detects server unavailability if the state identifier is unchanged for a predetermined time (Page 7, Para 0054, L5-7).

14.6 As per claims 15 and 17, these are rejected based on the same reasoning as Claims 8 and 13, supra. Claims 15 and 17 are article of manufacture, comprising a computer-usable medium claims reciting the same limitations as Claims 8 and 13, as taught throughout by **Tsuji et al.** and **Reisman**.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsuji et al.** (U.S. Patent Application 2003/0221068) in view of **Goodman et al.** (U.S. Patent Application 2003/0182402) and further in view of **Reisman** (U.S. Patent Application 2004/0031058).

15.1 As per claim 6, **Tsuji et al.** teaches the method of claim 1. **Tsuji et al.** does not expressly teach providing a proxy page element in the web page; receiving a request for a partial page update from the proxy page element; and communicating modification instructions to the proxy page element for the partial page update to page content in the web page, the modification instructions affecting less than the entire page content in the web page. **Goodman et al.** teaches providing a proxy page element in the web page; receiving a request for a partial page update from the proxy page element; and communicating modification instructions to the proxy page element for the partial page update to page content in the web page, the modification instructions affecting less than the entire page content in the web page (Abstract, L1-8 and L13-17; Page 2, Para 0016, Para 0023 and Para 0024). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **Tsuji et al.** with the method of **Goodman et al.** that included providing a proxy page element in the web page; receiving a request for a partial page update from the proxy page element; and communicating modification instructions to the proxy page element for the partial page update to page content in the web page, the modification instructions affecting less than the entire page content in the web page, because that would allow displaying a web page, down loading an image which may be a proxy for a full resolution page and displaying the image in the web page (Abstract, L4-5).

**Tsuji et al.** does not expressly teach an event triggered in the web page. **Reisman** teaches an event triggered in the web page (Page 4, Para 0037, L9-11; Page 19, Para 0135, L8-10).

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16. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sommerer et al.** (U.S. Patent Application 2004/0205514), in view of **Grant et al.** (U.S. Patent Application 2003/0164855).

16.1 As per claim 9, **Sommerer et al.** teaches a method of managing browser sessions (Page 1, Para 0002; Page 1, Para 0003, L3-9), comprising providing a web page including a page identifier (Page 5, Para 0061, L1-7; Page 6, Para 0062, 1-9).

**Sommerer et al.** does not expressly teach a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time. **Grant et al.** teaches a monitor that detects user inactivity if the page identifier is unchanged for a predetermined time (Page 8, Para 0099).

16.2 As per claim 16, it is rejected based on the same reasoning as Claim 9, supra. Claim 16 is an article of manufacture, comprising a computer-usable medium claim reciting the same limitations as Claim 9, as taught throughout by **Sommerer et al.** and **Grant et al.**

### ***Conclusion***


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 571-272-3717. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
K. Thangavelu  
Art Unit 2123  
September 2, 2006